

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

-v- : 20-Cr-126 (SHS)
ORDER

MALIK HOLLOWAY, :

Defendant. :

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SIDNEY H. STEIN, U.S.D.J.

On October 31, 2024, this Court directed the government to respond to defendant's then pending three motions: (1) his motion to vacate his conviction pursuant to 28 U.S.C. § 2255 on a variety of grounds [Doc. No. 469]; (2) his motion seeking a reduction in his sentence pursuant to 18 U.S.C. § 3582(c)(2) on the ground that he was sentenced based on a guideline range that was subsequently lowered [Doc. No. 465]; and (3) his motion seeking the deletion of a specific condition of supervised release [Doc. No. 466]. The government responded on January 8, 2025 [Doc. No. 474]. Part of the government's response was that defendant's section 2255 motion was barred because it was not filed within one year of the judgment of conviction becoming final. However, it now appears that in fact defendant had raised a claim of ineffective assistance of counsel on or about March 24, 2024, when he wrote the Court as follows [Doc. No. 480]:

I Malik Holloway am writing in regards of ineffective assistance of counsel towards my attorney. My claim follows misrepresentation on my behalf of my whole indictment case towards myself. Well as lack of misconduct filing such motions that I've asked to be placed on my regards. If possible asking for a new appointed attorney of counsel be granted, a appeal in regards of my sentence since my previous attorney disregarded my wishes of motions, especially specifically a motion to appeal my sentence. Thank you for reading my letter.

Because that March 24, 2024 letter was not filed on the docket until February 6, 2025, the government understandably—but incorrectly—believed defendant's section 2255 motion was time-barred when it filed its opposition on January 8, 2025 [Doc. No. 474]. It now appears that defendant's section 2255 motion is timely.

The Court has today appointed Steven Z. Legon, Esq. to represent Holloway on his several motions. Mr. Legon is directed to reply to the government's opposition [Doc. No. 474] and to raise any other arguments he deems appropriate on or before July 1, 2025.

The Clerk of Court is directed to mail a copy of this Order to Malik Holloway [90647-053], USP Beaumont, U.S. Penitentiary, P.O. Box 26030, Beaumont, TX 77720.

Dated: New York, New York
May 1, 2025

SO ORDERED:



Sidney H. Stein, U.S.D.J.